

The Honorable Judge John H. Chun

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESUS CASTILLO, MARK KNOWLES, ALEX
RODRIGUEZ and NICHOLAS JAMES
THROLSON, individually, and on behalf of
those similarly situated,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a
Washington corporation,

Defendant.

R.S., on behalf of himself and all others similarly
situated,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION.

Defendant.

MATT GROVES and VERN DEOCHOA,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a
Washington corporation.

Defendant.

Case No. 2:23-cv-01548-JHC

**STIPULATION AND ORDER TO
CONSOLIDATE RELATED CASES**

Case No. 2:23-cv-01628-JHC

Case No. 2:23-cv-01662-JHC

STIPULATION

Pursuant to Federal Rule of Civil Procedure 42(a)(2) and Local Civil Rule 42(b), Plaintiffs Jesus Castillo, Mark Knowles, Alex Rodriguez, and Nicholas James Throlson in the matter *Castillo et al. v. Costco Wholesale Corporation*, Case No. 2:23-cv-01548-JHC (“*Castillo Action*”), Plaintiff R.S. in the matter *R.S. v. Costco Wholesale Corporation*, Case No. 2:32-cv-01628-JHC (“*R.S. Action*”), and Plaintiffs Matt Groves and Vern DeOchoa in the matter *Groves et al. v. Costco Wholesale Corporation*, Case No. 2:23-cv-01662-JHC (“*Groves Action*”) and Defendant, Costco Wholesale Corporation (“Costco”), respectfully moves this Court for an Order to consolidate the *R.S. Action* and *Groves Action* into the first-filed federal case, *Castillo*.¹ In support thereof, the Parties state as follows:

1. The Related Actions arise out of the same alleged factual allegations, and assert similar statutory and tort claims on behalf of overlapping putative classes, and against a common defendant — Costco.

2. Consolidation of the Related Actions will simplify discovery, pretrial motions, class certification issues, and other case management issues, especially given that the cases are all at their procedural inception.

3. Consolidation of the Related Actions will also reduce the confusion and delay that may result from Costco defending related putative class actions separately, including eliminating duplicative discovery and the possibility of inconsistent rulings on class certification, evidentiary motions, and other pretrial matters.

4. Consolidation will also decrease the amount of time that would have been otherwise required for separate cases, as many witnesses would have to necessarily be called in each case.

5. Furthermore, consolidation will foster judicial economy and will not prejudice any party.

¹ The *Castillo Action*, *R.S. Action*, and the *Groves Action* are herein collectively referred to as the Related Actions. Two additional, related, cases are expected to be transferred and consolidated in short order.

1 6. WHEREFORE, the Parties respectfully request that this stipulated motion be granted,
2 and the Court order:

3 a. The *Castillo, R.S.*, and *Groves* matters currently pending in this Court, and any
4 other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to,
5 or transferred to this Court, shall be consolidated for pre-trial purposes pursuant to Federal Rule of Civil
6 Procedure 42 (the “Consolidated Action”).

7 b. All papers filed in the Consolidated Action shall be filed under the *Castillo* Action,
8 Case No. 2:23-cv-01548-JHC, the case number assigned to the first-filed federal case.

9 c. Any action subsequently filed in, transferred to, or removed to this Court that arises
10 out of the same or similar operative facts as the Consolidated Action, shall be consolidated with the
11 Consolidated Action for pre-trial purposes. The Parties shall file a Notice of Related Action whenever a
12 case that should be consolidated into this action is filed in, transferred to, or removed to this District.

13 d. If the Court determines that the case is related, the clerk shall:

- 14 i. Place a copy of this Order in the separate file for such action;
15 ii. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
16 iii. Direct that this Order be served upon Defendant in the new case; and
17 iv. Make appropriate entry in the Consolidated Action.

18 7. Within 14 days of the entry of this Order, any counsel seeking appointment as lead counsel
19 in the Consolidated Action will file a motion for appointment under Rule 23(g).

20 8. Plaintiffs shall file a Consolidated Amended Complaint no later than thirty (30) days
21 following the Court’s order on the forthcoming leadership applications.

22 9. Any response to the Consolidated Amended Complaint shall be due within thirty (30) days
23 from the filing of the Consolidated Amended Complaint. All prior response deadlines are vacated.

24 10. This Order shall apply to the above-captioned matters, any subsequently consolidated
25 action, any actions consolidated with the above-captioned matters, and any actions filed in or transferred or
26 removed to this Court relating to the allegations underlying this litigation.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD on this 27th day of November 2023.

s/ Kristin M. Asai

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Attorneys for Plaintiffs Matt Groves and Vern DeOchoa

ORDER

It is so ORDERED:

1. The *Castillo, R.S.*, and *Groves* matters currently pending in this Court, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this Court, shall be consolidated for pre-trial purposes pursuant to Federal Rule of Civil Procedure 42 (the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under the *Castillo* Action, Case No. 2:23-cv-01548-JHC, the case number assigned to the first-filed federal case.

3. Any action subsequently filed in, transferred to, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action, shall be consolidated with the Consolidated Action for pre-trial purposes. The Parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or removed to this District.

4. The clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon Defendant in the new case; and
- d. Make appropriate entry in the Consolidated Action.

5. Within 14 days of the entry of this Order, any counsel seeking appointment as lead counsel in the Consolidated Action will file a motion for appointment under Rule 23(g).

6. Plaintiffs shall file a Consolidated Amended Complaint no later than thirty (30) days following the Court’s order on the forthcoming leadership applications.

7. Any response to the Consolidated Amended Complaint shall be due within thirty (30) days from the filing of the Consolidated Amended Complaint. All prior response deadlines are vacated.

8. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions filed in or transferred or removed to this Court relating to the allegations underlying this litigation.

1 Dated this 29th day of November, 2023.

2 By: John H. Chun
3 Hon. Judge John H. Chun
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